

Type I Categorical Exclusion Action Classification Form

STIP Project No.	<u>BR-0035</u>
WBS Element	<u>49073.1.1</u>
Federal Project No.	<u>0022015</u>

A. Project Description:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 24 on NC 22 over Nicks Creek in Moore County (see Vicinity Map).

B. Description of Need and Purpose:

The NCDOT Bridge Management Unit records indicate the existing structure has a sufficiency rating of 66.77 out of possible 100 for a new structure. In 2012 the structure sufficiency rating was 47.47 and has been maintained with regular maintenance and repairs. Replacement of the bridge is needed to provide safe access and mobility in the study area. The purpose of this project is to replace a bridge initially built in 1940 and rebuilt in 1951 that is considered functionally obsolete due to deck geometry and approach roadway alignment rating being a 2 out of a possible 9 for each category.

C. Categorical Exclusion Action Classification:

Type I(A) - Ground Disturbing Action

D. Proposed Improvements:

Replace the existing structure with a triple barrel reinforced concrete box culvert built on new alignment. Traffic will be maintained on the existing alignment during construction. A brief offsite detour (1-2 days) will be required to tie in the old alignment in with the new.

The approach work for the roadway will extend approximately 570 feet from the north end of the proposed culvert and 1115 feet from the south end. The roadway will consist of two 12-foot lanes with 8 foot shoulders (11' with guardrail) with 5 foot of the shoulders being full depth paved shoulders for future bike lanes.

E. Special Project Information:

Bicycle and Pedestrian Concerns: NC 22 is indicated in the Moore County Comprehensive Transportation Plan (CTP) for bicycle accommodations which are incorporated by way of five feet paved shoulders. The CTP also shows a future multi-use trail extending northward across Nick's Creek from the existing Nick's Creek Greenway trailhead (see Figure 2). However, after coordination with the county, there is no funding available to support the additional costs of carrying it on the culvert. Therefore, no action is being taken with this project as it relates to the future greenway extension.

Public Involvement: A Land Owner Notification Letter was sent to all property holders within the study area at the beginning of planning; no comment(s) were received.

Maintenance of Traffic: Serious consideration was given to an offsite detour, but it was ruled out based on EMS concerns and concerns of passing through the Pinehurst Traffic Circle south of US 15/501.

F. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)

Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30; &/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31.

- If any question 1-7 is checked “Yes” then NCDOT certification for **FHWA approval is required.**
- If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.

PROJECT IMPACT THRESHOLDS

(FHWA signature required if any of the questions 1-7 are marked “Yes”.)

		Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.

Other Considerations

		Yes	No
8	Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the project impact Waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other Considerations for Type I and II Ground Disturbing Actions (continued)		Yes	No
14	Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29	Is the project considered a Type I under the NCDOT Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. Additional Documentation as Required from Section F (ONLY for questions marked 'Yes'):

Response to question 8: The US Fish and Wildlife Service has revised the previous programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina. The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. Although this programmatic covers Divisions 1-8, NLEBs are currently only known in 22 counties, but may potentially occur in 8 additional counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimize mortality of NLEBs. These conservation measures only apply to the 30 current known/potential counties shown on Figure 2 of the PBO at this time. The programmatic determination for NLEB for the NCDOT program is **May Affect, Likely to Adversely Affect**. The PBO will ensure compliance with Section 7 of the Endangered Species Act for ten years (effective through December 31, 2030) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Moore County, where BR-0035 is located.

Response to question 16: The culvert midway through the study area is in the Nick's Creek's Zone AE flood zone area, for which 100-year base flood elevations are established. The project will comply with NCDOT/North Carolina Floodplain Mapping memorandum of agreement requirements.

H. Project Commitments (attach as Green Sheet to CE Form):

NCDOT PROJECT COMMITMENTS

STIP Project No. BR-0035

The North Carolina Department of Transportation (NCDOT) proposes to replace
Bridge No. 24 on NC 22 over Nicks Creek

Moore County

Federal Aid Project No. 0022015

WBS Element: 49073.1.1

Hydraulics Unit - FEMA Coordination - The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT'S Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

Coordination resulted in approval on June 29 2020 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP.

NCDOT Division Construction - FEMA Coordination - This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

This commitment is still valid.

September 2021

I. Categorical Exclusion Approval:

STIP Project No. BR-0035
WBS Element 49073.1.1
Federal Project No. 0022015

Prepared By:

9/16/2021

Date

DocuSigned by:

Elmo Vance

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Elmo E. Vance, Project Manager
Project Management Unit, Team B Divisions 5 and 8

Prepared For:

North Carolina Department of Transportation

Reviewed By:

9/16/2021

Date

DocuSigned by:

Pamela R. Williams

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Pamela Williams, Team Lead Project Management Unit
North Carolina Department of Transportation



Approved

- If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.



Certified

- If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
- If classified as Type III Categorical Exclusion.

9/16/2021

Date

DocuSigned by:

Colin Mellor

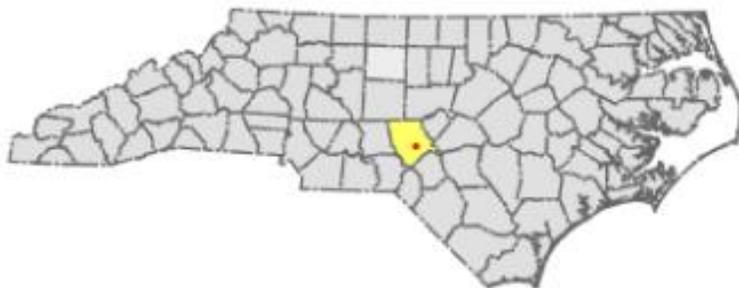
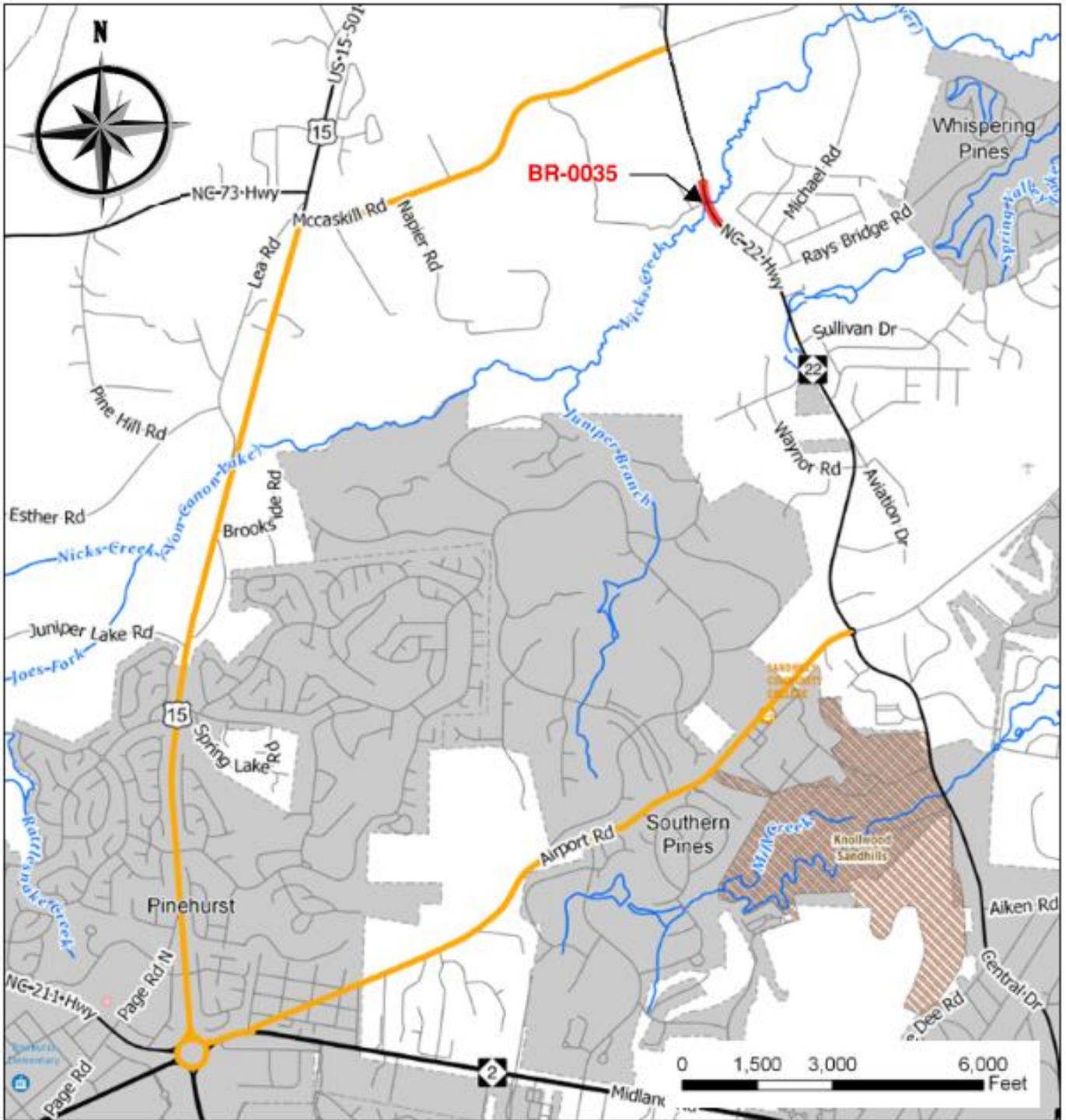
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Colin Mellor, Manager, Project Management Unit
North Carolina Department of Transportation

FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

Date

N/A
for John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration



	STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION 3
	<p align="center">BR-0035</p> <p align="center">Replace Moore Co. Bridge No. 24 On NC 22 over Nicks Creek</p>
Project Location Map	Figure 1

17-12-0008
updated

HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

Project No:	BR-0035	County:	Moore
WBS No.:	67035.1.1	Document Type:	MCC
Fed. Aid No:		Funding:	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
Federal Permit(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit Type(s):	USACE
<u>Project Description:</u> Replace Bridge No. 24 on NC 22 over Nick's Creek.			

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

<p><u>Description of review activities, results, and conclusions:</u> Review of HPO quad maps, relevant background reports, historic designations roster, and indexes was undertaken on January 4, 2018. Based on this review there are no NR, DE, LL, SL, or SS in the Area of Potential Effects (APE). There is a reservoir or lake southwest the bridge that was created by damming Nick's Creek. An aerial photo from 1993 shows this dam to be a recent addition. No survey is required. The study area was expanded in March 2019; however, there are no properties over 50 years of age in the new APE. No survey required.</p> <p><u>Why the available information provides a reliable basis for reasonably predicting that there are no unidentified significant historic architectural or landscape resources in the project area:</u> Using HPO GIS website and county tax data provides reliable information regarding the structures in the APE. These combined utilities are considered valid for the purposes of determining the likelihood of historic resources being present.</p>

SUPPORT DOCUMENTATION

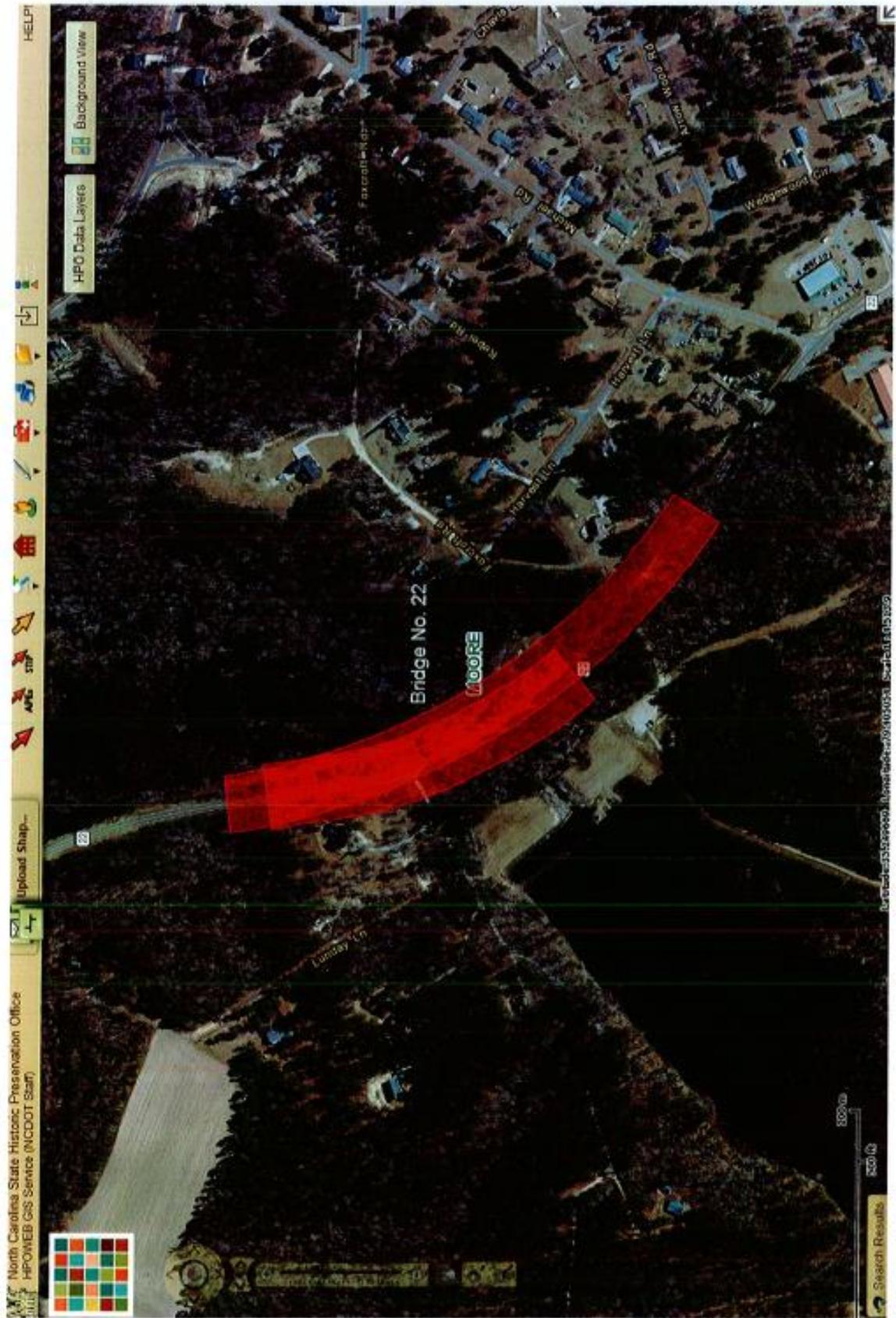
Map(s) Previous Survey Info. Photos Correspondence Design Plans

FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- NO SURVEY REQUIRED

Shelby Reap
NCDOT Architectural Historian

Aug 25, 2021
Date



Historic Architecture and Landscapes NO SURVEY REQUIRED form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement

**NO ARCHAEOLOGICAL SURVEY REQUIRED FORM**

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.

**PROJECT INFORMATION**

Project No: **Br-0035** County: **Moore**
 WBS No: **67035.1.1** Document: **M C C**
 F.A. No: **0022015** Funding: State Federal

Federal Permit Required? Yes No Permit Type: **usace**

Project Description: 2nd REVISION FOR SWITCH TO FHWA FUNDING SOURCE 8/26/2021. NOTE THIS FORM REVISED AS OF 3/7/2019 FOR APE INCREASE. NCDOT proposes to replace Bridge No. 24 on NC 22 over Nicks Creek north of Southern Pines in Moore County. No alternative designs were available for use prepared for use during the archaeological review. However, considering the length and complexity of detour options, realignment or temporary detours are possible. For purposes of this review, the Area of Potential Effects (APE) is the length of the entire provided study area, about 1500 feet, with a width of 200 feet, all centered around the existing small Bridge No. 24 to be replaced. This APE allows for and considers multiple possible alignments and detour configurations and would include any needed new ROW, fill and cut lines, or construction easements. The funding source switched from state to federal in 2021 and USACE permitting is required, therefore Section 106 of the National Historic Preservation Act.

SUMMARY OF CULTURAL RESOURCES REVIEW

Brief description of review activities, results of review, and conclusions:

The bridge to be replaced is located along NC 24 in a rural setting between Carthage to the north and Southern Pines to the south. Some residences are present in the nearby vicinity and newer neighborhoods have been recently constructed.

USGS mapping (Carthage) and aerial photography was studied (see Figures 1 and 2). Google and Bing street view tools were used and confirm the conditions immediately around the existing bridge, generally wooded within the APE, and the terrain which has hilly approaches on NC 22 with a floodplain at the bridge. To the west of NC 22 is a dam and large pond, historically referenced as Chandler Pond though it may now be a municipal water source.

Soils were examined using Web Soil Survey. Two main soils are encountered, the often flooded Bibb loam (Bb, 0-2 percent slope, frequently flooded) and the steep Tarrus and Nanford soils (TnE, 15-25 percent slope). Neither is often associated with the presence of most types of archaeological sites in the county due to the unsuitable characteristics for habitation.

According to USGS mapping and GIS resources (data layer created by NCDOT archaeologist Paul J. Mohler), no cemetery is present at the APE or nearby.

A greenway exists in the nearby vicinity and suggests possible other park use facilities are in the greater project area.

Historic maps were examined to determine if any late historic structures, roads or other notations were present to help establish the context of the recent past, especially farms, industry, land and transportation features which might offer hints to the presence of archaeological sites. The 1919 Soils Map of Moore County (MC.068.1919j) depicts the equivalent roadway at that time on a different alignment especially heading north from the crossing of Nicks Creek. A short distance to the west is "Chandler's Pond," where the current lake exists. It is possible that earlier dams or mills were present in the nearby vicinity, or may

17-12-0008

have been incorporated into the current ponded area. "Power Plant" is noted nearby, though both features appear outside of the APE.

By the mid-1930s, the road may have been realigned according to the 1928 Moore County highway map (MC.068-1938n) and the Chandler Pond is still marked. Little changed in later USGS mapping with the exception of Chandler Pond which disappears for several years. GoogleEarth shows historic aerials with only Nicks Creek present, no pond, from 1993 until possibly sometime after 2000, certainly with a dammed pond in more recent years. A period of land clearing and grading occurs on the aerial photography around 2005, mostly likely a reconstruction of that pond.

Utilities are present at the project location, very close to or within the APE. Water and sewage are both apparently present along NC 22 and their installation would have cause soil disturbances that often destroy the archaeological integrity within their construction footprint. A pump, lift or other utility station is adjacent to the project on the northwest quadrant. These factors reduce the probability for intact, significant archaeological features within the APE.

The Office of State Archaeology was visited to review archaeological mapping and to reference any known archaeological surveys and sites. This helps establish an archaeological context for comparison. One or more environmental reviews are nearby, notably mining and gravel pits to the north. Immediately adjacent to the current project is ER 04-1972, which covered dam repair and was cleared for archaeological work without a survey around the same time grading and refilling pond appears in aerial photography. Since the OSA did not recommend a survey for that larger dam APE, it is reasonable to believe that they would not call for one on this adjacent, much smaller bridge replacement.

Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:

The bridge replacement may be replaced in place or realigned and may have a long offsite or onsite detour. The APE allows for several possible design options. There are no recorded archaeological sites with the APE. Soil disturbances along the APE include one or more earlier road realignments, flooding and installation of two major utilities. Soils present at the project are less favorable for most archaeological site types than other better drained and level soils.

Examination of historic maps and also aerials from the past twenty five years show the presence of a dam upstream 300-400 feet at least during two separate time periods. A circa 2004 or 2005 Environmental Review for work on the latest dam did not result in recommendations for archaeological survey from the Office of State Archaeology.

The context doesn't indicate a high probability for archaeological sites within the APE downstream of the dam in unfavorable soils which have been modified by construction and utilities. It is unlikely that significant, intact archaeological remains would be present and impacted by the bridge replacement project. For archaeological review, this federal undertaking should be considered compliant with Section 106.

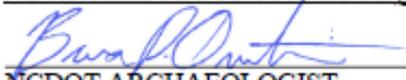
This project falls within a North Carolina County in which the following federally recognized tribe have expressed an interest: the Catawba Indian Nation. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.

SUPPORT DOCUMENTATION

See attached: Map(s) Previous Survey Info Photos Correspondence
 Photocopy of County Survey Notes Other:

FINDING BY NCDOT ARCHAEOLOGIST

NO ARCHAEOLOGY SURVEY REQUIRED



NCDOT ARCHAEOLOGIST

7/31/2018 revised 3/7/2019 revised 8/26/2021

Date

Project Tracking No.:

17-12-0008

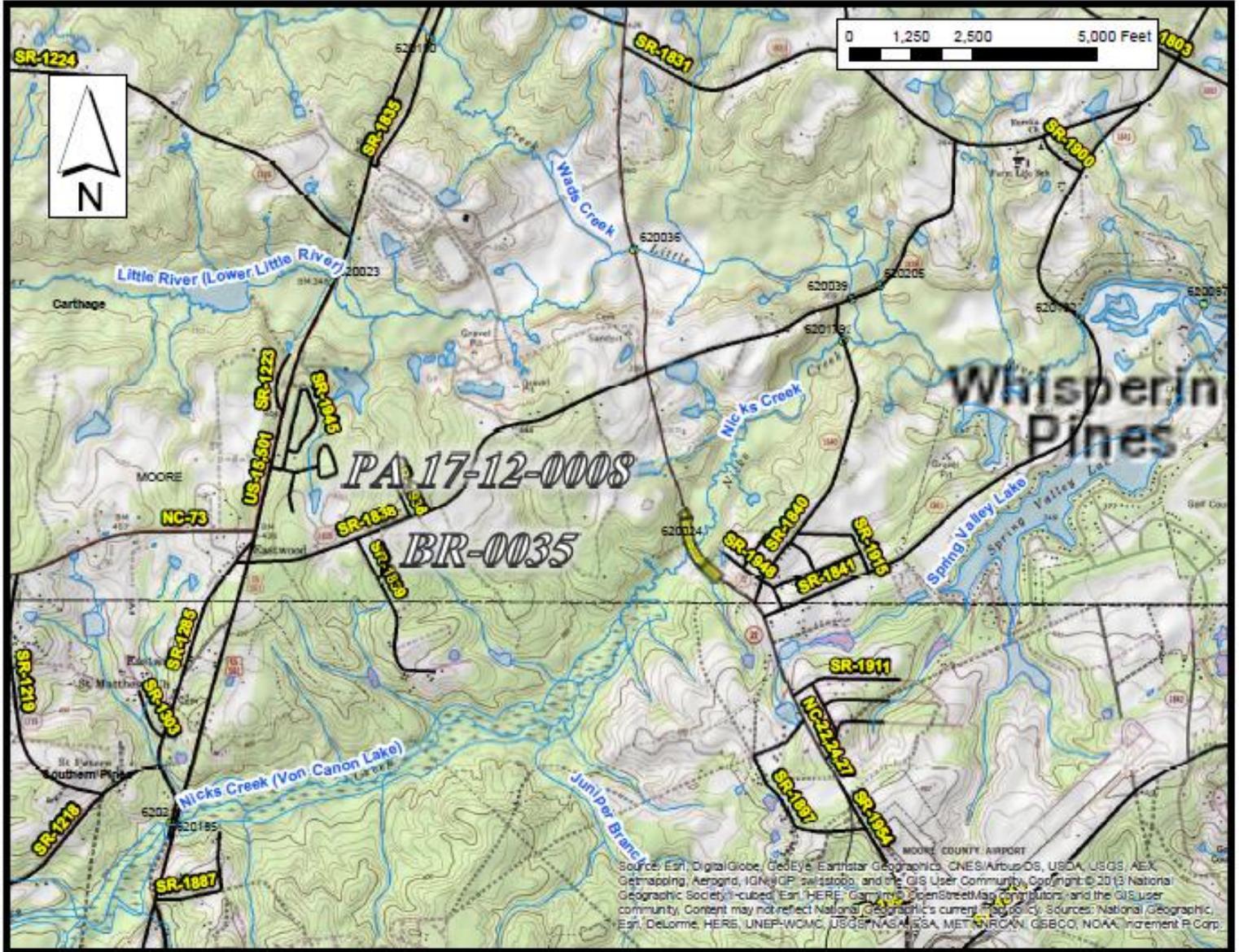


Figure 1. Vicinity of BR-0035, PA 17-12-0008, the proposed replacement of Br. No. 24 on NC 22 over Nicks Creek south of Carthage in Moore County, shown on USGS mapping (Carthage and Southern Pines).

2020 PROGRAMMATIC AGREEMENT ARCHAEOLOGY TEAM NO ARCHAEOLOGICAL SURVEY REQUIRED FORM

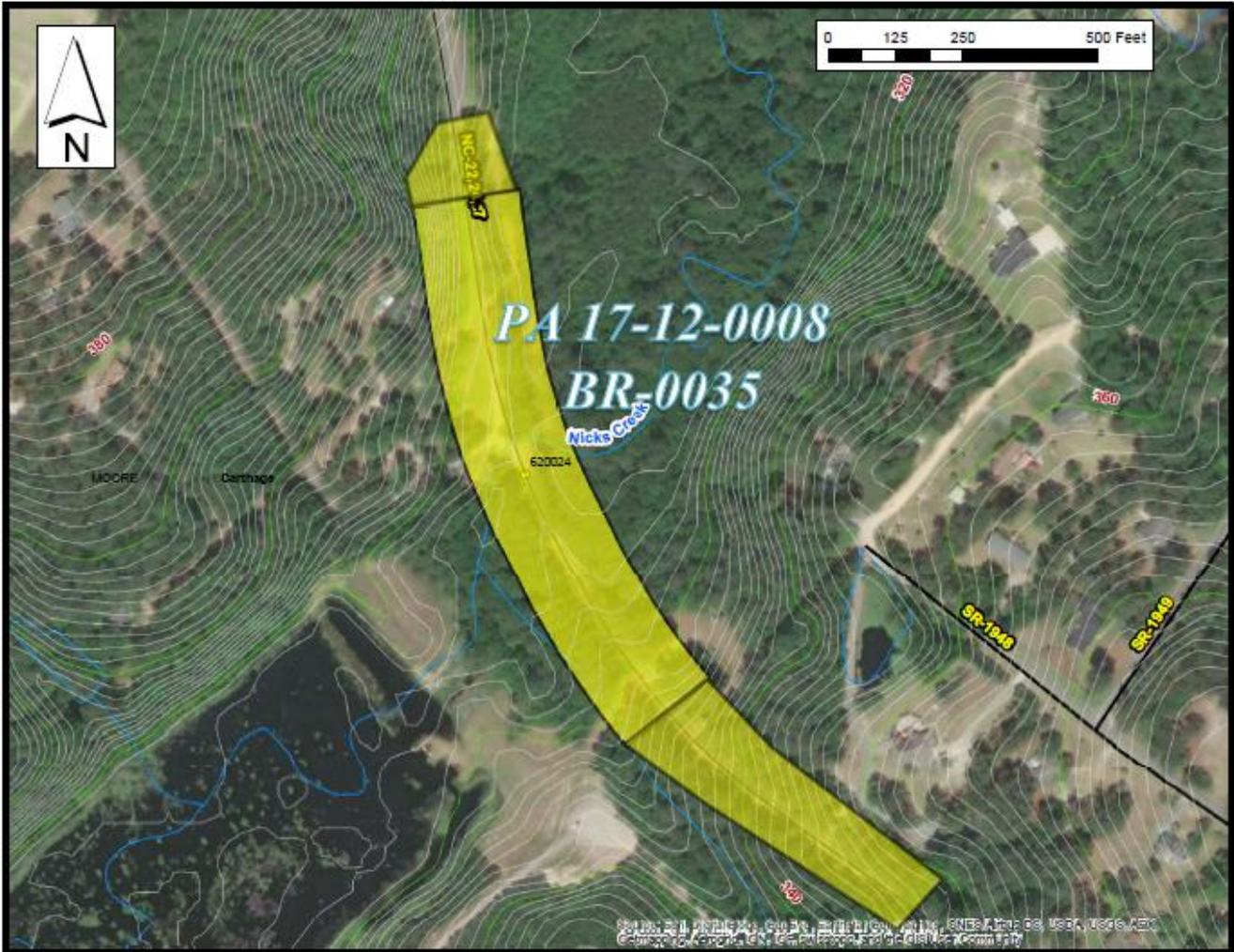


Figure 2. Aerial map of BR-0035, PA 17-12-0008, the proposed replacement of Br. No. 24 on NC 22 over Nicks Creek. The approximate APE is shown in yellow (note revision) and contour lines at 2-ft are overlaid on the aerial to illustrate the terrain.

2020 PROGRAMMATIC AGREEMENT ARCHAEOLOGY TEAM NO ARCHAEOLOGICAL SURVEY REQUIRED FORM